

ANNUAL REPORT

FISCAL YEAR 2010-2011

CAREER SERVICE REVIEW OFFICE

STATE OF UTAH



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ANNUAL REPORT

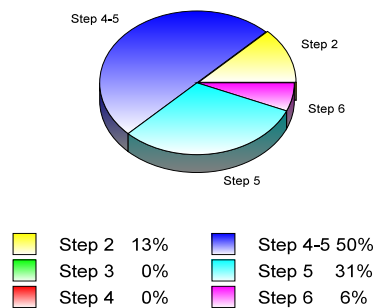
FISCAL YEAR 2010-2011

**LEVELS AT WHICH GRIEVANCE CASES
WERE RESOLVED DURING FISCAL YEAR 2010-2011
*OLD RULES*¹**

LEVELS OF RESOLUTION	GRIEVANCE CASES	NO. OF EMPLOYEES
Step 2 Immediate Supervisor	2	2
Step 3 Agency/Division Director	0	0
Step 4 Department Head	0	0
Mediation Forum (Between Steps 4 & 5)	8	7
*Step 5 Evidentiary Hearing	5	4
Step 6 Appellate Review by Board	1	1
TOTAL	16	14

*In addition to the five cases resolved at Step 5 during Fiscal Year 2010-2011, the CSRB held five additional Step 5 hearings that are not reflected in this chart. These additional hearings are not reflected in this chart because the decisions were either issued after June 30, 2011, resolved at Step 6 or still on appeal to Step 6. These hearings however, are reflected in the material found at page 11.

LEVELS OF RESOLUTION BY PERCENT



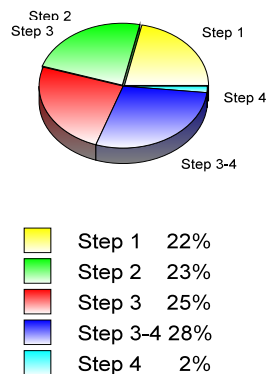
¹The Utah State Employees' Grievance and Appeal Procedures Act (the Act) and the CSRB's administrative rules were amended in 2011. Section **67-19a-101.5** (2011) of the Act provides that the amendments apply only to grievances submitted to an employee's supervisor on or after July 1, 2010. Because the above-referenced grievances were submitted **prior** to July 1, 2010, the statutes and administrative rules which were in effect **prior** to July 1, 2010 were used for resolution of such appeals.

**LEVELS AT WHICH GRIEVANCE CASES
WERE RESOLVED DURING FISCAL YEAR 2010-2011**
NEW RULES²

LEVELS OF RESOLUTION	GRIEVANCE CASES	NO. OF EMPLOYEES
Step 1 Immediate Supervisor	13	13
Step 2 Agency/Division Director	14	14
Step 3 Department Head	15	15
Mediation Forum (Between Steps 3 & 4)	17	47
*Step 4 Evidentiary Hearing	1	1
TOTAL	60	90

*In addition to the one case resolved at Step 4 during Fiscal Year 2010-2011, the CSRO held an additional Step 4 hearing that is not reflected in this chart. This additional hearing is not reflected in this chart because the decision was issued after June 30, 2011. This hearing however, is reflected in the material found at page 17.

LEVELS OF RESOLUTION BY PERCENT



²The Utah State Employees' Grievance and Appeal Procedures Act (the Act) and the CSRB's administrative rules were amended in 2011. Section **67-19a-101.5** (2011) of the Act provides that the amendments apply only to grievances submitted to an employee's supervisor on or after July 1, 2010. Because the above-referenced grievances were submitted **after** July 1, 2010, the statutes and administrative rules which were in effect **after** July 1, 2010 were used for resolution of such appeals.

**NUMBER OF APPEALS FROM DISCIPLINARY
PENALTIES AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2010-2011
*OLD RULES***

LEVEL	DISCIPLINARY* PENALTIES RESOLVED
Step 2	1
Step 3	0
Step 4	0
Mediation Forum (Between Steps 4 & 5)	8
**Step 5	5
Step 6	1
TOTAL:	15



***Note:** There are only four disciplinary actions designated by statute under the *old rules*: written reprimand, suspension, demotion and dismissal (*Utah Code*, Section 67-19a-302(1)). No other issues qualify as disciplinary actions.

****** In addition, to the five disciplinary cases identified here, there were five additional Step 5 evidentiary hearings held during Fiscal Year 2010-2011, that involved disciplinary matters. These hearings were in 2010-2011 but the decision were issued after June 30, 2011 or are still on appeal.

**NUMBER OF APPEALS FROM DISCIPLINARY
PENALTIES AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2010-2011
*NEW RULES***

LEVEL	DISCIPLINARY* PENALTIES RESOLVED
Step 1	1
Step 2	3
Step 3	4
Mediation Forum (Between Steps 3 & 4)	9
**Step 4	1
TOTAL:	18



***Note:** Under the *new rules* there are only three disciplinary actions designated by statute: suspension, demotion and dismissal (*Utah Code*, Section 67-19a-302(1)). No other issues qualify as disciplinary actions.

****** In addition, to the Step 4 disciplinary case identified here, there was an additional Step 4 evidentiary hearing held during Fiscal Year 2010-2011, that involved disciplinary matters. This hearing was in 2010-2011 but the decision was issued after June 30, 2011.

**RESOLUTION ON APPEALS FROM DISCIPLINARY ACTIONS
DURING FISCAL YEAR 2010-2011
OLD RULES**

LEVEL	ACTION	NUMBER	DETERMINATION					
			AFFIRMED	MODIFIED	RESCINDED			
Step 2	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	1	1	0	0			
Step 3	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 4	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Mediation/Jurisdiction Forum	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	2	2	0	0			
	Dismissal	6	6	0	0			
Step 5	Reprimand	0	0	0	0			
	Suspension	1	1	0	0			
	Demotion	1	1	0	0			
	Dismissal	3	3	0	0			
Step 6	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	1	1	0	0			
TOTAL DISCIPLINARY APPEALS:		15	=	15	+	0	+	0

**RESOLUTION ON APPEALS FROM DISCIPLINARY ACTIONS
DURING FISCAL YEAR 2010-2011
NEW RULES**

LEVEL	ACTION	NUMBER	DETERMINATION		
			AFFIRMED	MODIFIED	RESCINDED
Step 1	Suspension	1	1	0	0
	Demotion	0	0	0	0
	Dismissal	0	0	0	0
Step 2	Suspension	3	3	0	0
	Demotion	0	0	0	0
	Dismissal	0	0	0	0
Step 3	Suspension	2	2	0	0
	Demotion	0	0	0	0
	Dismissal	2	2	0	0
Mediation/Jurisdiction Forum	Suspension	0	0	0	0
	Demotion	0	0	0	0
	Dismissal	9	8	0	1
Step 4	Suspension	1	1	0	0
	Demotion	0	0	0	0
	Dismissal	0	0	0	0
TOTAL DISCIPLINARY APPEALS:		18 =	17	+	0
				+	1

**FREQUENCY DISTRIBUTION OF GRIEVANCE ISSUES
DURING FISCAL YEAR 2010-2011
OLD RULES**

ISSUES (OLD RULES)	OCCURRENCES
Dismissal.	11
Demotion.	3
Suspension.	2
Transfer.	1
<u>TOTAL ISSUES GRIEVED:.</u>	17

**FREQUENCY DISTRIBUTION OF GRIEVANCE ISSUES
DURING FISCAL YEAR 2010-2011
NEW RULES**

ISSUES (NEW RULES)	OCCURRENCES
Dismissal.	11
Suspension.	8
Letter of Warning.	1
Written Warning.	9
Written Reprimand.	5
Letter of Reprimand.	4
Verbal Warning.	1
Policy.	1
Working Conditions.	10
Performance.	4
Position.	2
Promotion.	1
Transfer.	1

Reassignment.	3
Contract.	1
Purged Witnesses.	1
TOTAL ISSUES GRIEVED:.	63

Note: There were 60 grievance cases resolved;
however, three cases had multiple issues grieved.
Thus the overall number of grievance issues resolved
(63) exceeds the total number of employees' cases
(60) that were resolved.

**GRIEVANCE CASES IDENTIFIED BY DEPARTMENTS
AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2010-2011
OLD RULES**

<u>CORRECTIONS</u>	<u>HUMAN SERVICES</u>	<u>NATURAL RESOURCES</u>
Step-No..... 2 - 0	Step-No..... 2 - 2	Step-No..... 2 - 0
..... 3 - 0 3 - 0 3 - 0
..... 4 - 0 4 - 0 4 - 0
..... 4/5 - 1 4/5 - 6 4/5 - 0
..... 5 - 0 5 - 1 5 - 1
..... 6 - 1 6 - 0 6 - 0

<u>PUBLIC SAFETY</u>	<u>TRANSPORTATION</u>	<u>WORKFORCE SERVICES</u>
Step-No..... 2 - 0	Step-No..... 2 - 0	Step-No..... 2 - 0
..... 3 - 0 3 - 0 3 - 0
..... 4 - 0 4 - 0 4 - 0
..... 4/5 - 1 4/5 - 0 4/5 - 0
..... 5 - 0 5 - 2 5 - 1
..... 6 - 0 6 - 0 6 - 0

**GRIEVANCE CASES IDENTIFIED BY DEPARTMENTS
AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2010-2011
NEW RULES**

<u>COMMUNITY AND CULTURE</u>	<u>CORRECTIONS</u>	<u>EVIROMENTAL</u>
Step-No..... 1 - 0	Step-No..... 1 - 2	Step-No..... 1 - 0
..... 2 - 0 2 - 4 2 - 1
..... 3 - 3 3 - 1 3 - 0
..... 3/4 - 0 3/4 - 4 3/4 - 0
..... 4 - 0 4 - 0 4 - 0

<u>HEALTH</u>	<u>HUMAN SERVICES</u>	<u>NATIONAL GUARD</u>
Step-No..... 1 - 0	Step-No..... 1 - 3	Step-No..... 1 - 4
..... 2 - 0 2 - 8 2 - 0
..... 3 - 0 3 - 6 3 - 1
..... 3/4 - 1 3/4 - 7 3/4 - 0
..... 4 - 0 4 - 1 4 - 0

NATURAL RESOURCES

Step-No..... 1 - 1
..... 2 - 0
..... 3 - 1
..... 3/4 - 0
..... 4 - 0

PUBLIC SAFETY

Step-No..... 1 - 2
..... 2 - 1
..... 3 - 0
..... 3/4 - 1
..... 4 - 0

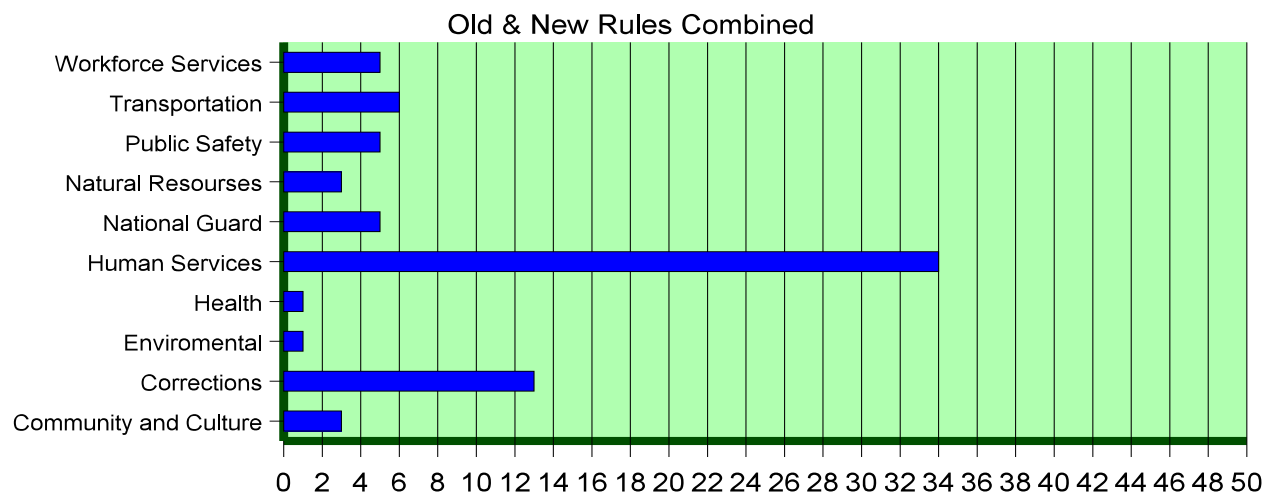
TRANSPORTATION

Step-No..... 1 - 2
..... 2 - 0
..... 3 - 1
..... 3/4 - 1
..... 4 - 0

WORKFORCE SERVICES

Step-No..... 1 - 0
..... 2 - 0
..... 3 - 2
..... 3/4 - 2
..... 4 - 0

GRIEVANCES BY DEPARTMENT



**GRIEVANCE CASES PER LEVEL RESOLVED
DURING FISCAL YEAR 2010-2011
OLD RULES**

STEP 2		
Immediate Supervisor	Cases: 2	Employees: 2

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
A.W.	Transfer	Human Services
W. S.	Dismissal	Human Services

STEP 3		
Division/Agency Director	Cases: 0	Employees: 0

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
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STEP 4		
Department Head	Cases: 0	Employees: 0

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
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MEDIATION/JURISDICTIONAL FORUM		
Between Steps 4 and 5	Cases: 8	Employees: 7

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
A.G.	Dismissal	Human Services
B.M.	Dismissal	Human Services
L.T	Demotion	Corrections
M.S.	Dismissal	Human Services
V.B.	Demotion	Human Services
V.B.	Dismissal	Human Services
W.G.	Dismissal	Human Services
W.R.	Dismissal	Public Safety

STEP 5**Evidentiary Hearing Cases: 5****Employees: 4**

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
Anderson, Wesley	Dismissal	Natural Resources
Goates, Michael	Dismissal	Human Services
Palmer, Richard	Suspension	Transportation
Palmer, Richard	Demotion	Transportation
Thomas, Rick	Dismissal	Workforce Services

Note: In addition to these five cases resolved at Step 5 during Fiscal Year 2010-2011, the CSRB held five additional Step 5 hearings in the following case. These cases were heard at Step 5, but not resolved during Fiscal Year 2010-2011, because the final decision was issued after June 30, 2011 or are still on appeal at level 6 or the Court of Appeals.

<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Anderson, James	Suspension	Corrections	09/15/2010	Upheld
Benms, Elizabeth	Suspension	Commission on Criminal and Juvenile Justice	11/08/2010	Upheld
Brienholt, Mark	Demotion	Corrections	12/09/2011	Overturned
Benson, Ronald	Dismissal	Corrections	02/03/2011	Upheld
Benms, Elizabeth	Dismissal	Commission on Criminal and Juvenile Justice	03/30/2011	Overturned

STEP 6**Appellate Review/Board Cases: 1****Employees: 1**

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
Alvarado, Delphi	Dismissal	Corrections

Note: In addition to this case resolved at Step 6 during Fiscal Year 2010-2011, the CSRB held four additional Step 6 Board Reviews in the following cases. These cases were reviewed at Step 6, but not resolved during Fiscal Year 2010-2011, because the final decision was issued after June 30, 2011 or are still on appeal at level 6 or the Court of Appeals.

<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Valdez, Nancy and Worthen, Carrie	Pay Equity	Human Services	10/04/2010	Remanded
Anderson, James	Suspension	Corrections	06/06/2011	Upheld
Brienholt, Mark	Demotion	Corrections	08/22/2011	Overtured
Blauer, Lorin	Dismissal	Workforce Services	12/20/2010	Upheld

**JURISDICTIONAL HEARINGS AND
ADMINISTRATIVE REVIEWS OF THE FILE
CONDUCTED DURING FISCAL YEAR 2010-2011
OLD RULES**

JURISDICTIONAL HEARINGS:

A jurisdictional hearing is a formal adjudication conducted according to the Utah Administrative Procedures Act. These hearings are held at the request of employees, agency management, or at the initiative of the CSRB administrator. Jurisdictional hearings address the four issues of: timeliness, direct harm, standing and eligibility to advance issues and remedies to the evidentiary/step 5 level, according to *Utah Code*, §67-19a-403(2)(b)(I).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT
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None Held

ADMINISTRATIVE REVIEWS OF THE FILE (OLD RULE):

An administrative review of the file is an informal adjudication under the Utah Administrative Procedures Act. The contents of the CSRB's case files are reviewed and a written legal decision is issued. The decision is based upon a consideration of all documents contained in the CSRB's file. These reviews are conducted according to *Utah Code*, §67-19a-403(2)(b)(ii).

EMPLOYEE/DATE ISSUED	ISSUE	DEPARTMENT/CASE NUMBER
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None Held

**JUDICIAL REVIEW BY THE COURTS
CASES DECIDED DURING FISCAL YEAR 2010-2011
OLD RULES**

DESIGNATION IN THE COURT OF APPEALS:

1. *Delphi Alvarado v. Utah Department of Corrections*

Step 5 Ruling: Grievant's dismissal was upheld.

Step 6 Ruling: Grievant failed to make arrangements with the court reporting firm sufficient that transcription of her record began within the time limits required in the numerous prior orders. *Utah Admin. Code* R137-1-13 directs that an employee who fails or neglects to process their grievance within established time limits forfeits their rights granted under the State's Grievance and Appeals Procedures. Based upon these facts, Grievant's appeal was dismissed with prejudice. This dismissal was made pursuant to Utah Code Ann. 67-19a-401 and CSRB rules R137-1-13(4) – (5) and R137-1-22. Grievant appealed to Court of Appeals.

Court of Appeals: On May 6, 2010, the Utah Court of Appeals issued a Memorandum Decision granting the Department of Corrections' motion for summary disposition stating: "We conclude that we lack jurisdiction to review the step 5 decision because it was not the final agency action, and we affirm the dismissal of the step 6 appeal for failure to prosecute, which resulted in a waiver of the right to obtain judicial review of Alvarado's dismissal."

Supreme Court: On July 6, 2010 Grievant filed a petition for Writ of Certiorari with the Utah Supreme Court. On September 28, 2010, the Supreme Court Denied her petition.

DESIGNATION IN THE THIRD DISTRICT COURT:

1. *Nancy Valdez and Carrie Worthen v. Utah Department of Human Services*

Step 6 Ruling: Remanded back to Step 5.

On March 15, 2011, Agency filed a *Petition of Review of Informal Ajudicative Proceedings and Extraordinary Relief* challenging the Board's determination that Grievant's timely filed their grievance. The 3rd District Court denied the Agency's petition and this case is now going through the appeal process under the old rules at the CSRO.

JUDICIAL REVIEW BY THE COURTS
CASES PENDING DURING FISCAL YEAR 2010-2011
OLD RULES

Utah Court of Appeals:

1. ***Lorin Blauer v. Utah Department of Workforce Services.***

Step 5 Ruling: Grievant's dismissal was upheld.

Step 6 Ruling: On December 20, 2010, the CSRB issued its decision after thoroughly reviewing the evidentiary record and carefully applying the relevant policy and rules at issue. The Board sustained the hearing officer's decision and denied Mr. Blauer's appeal to this Board. The Board found the hearing officer's decision to be reasonable and rational and supported by substantial evidence. The Board further found that the hearing officer correctly applied all relevant policies and rules in rendering his decision. Based upon the evidence presented at the Step 5 evidentiary hearing, the Board found that the Department did not violate personnel rules regarding the Department's failure to define job parameters, unlawful harassment, or discipline without due process and upheld the hearing officer's decision denying Appellant's claims in their entirety.

Court of Appeals: On December 30, 2010, Grievant filed a *Writ of Review*. At the end of FY 2010-2011 this matter was still before the Utah Court of Appeals.

2. ***Elizabeth Benns v. Commission on Criminal and Juvenile Justice***

Step 5 Ruling: Grievant's suspension was upheld.

Step 6 Ruling: Grievant failed to make arrangements with the court reporting firm sufficient that transcription of her record began within the time limits required in the numerous prior orders. *Utah Admin. Code* R137-1-13 directs that an employee who fails or neglects to process their grievance within established time limits forfeits their rights granted under the State's Grievance and Appeals Procedures. Based upon these facts, Grievant's appeal was dismissed with prejudice. This dismissal was made pursuant to Utah Code Ann. 67-19a-401 and CSRB rules R137-1-13(4) – (5) and R137-1-22. Grievant appealed to Court of Appeals.

Court of Appeals: On January 28, 2011, Grievant filed a *Writ of Review*. At the end of FY 2010-2011 this matter was still before the Utah Court of Appeals.

**GRIEVANCE CASES PER LEVEL RESOLVED
DURING FISCAL YEAR 2010-2011
*New Rules***

STEP 1

Immediate Supervisor Cases: 13

Employees: 13

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
A.A	Written Reprimand	Human Services
B.A.	Employment Conditions	National Guard
F.L.	Employment Conditions	National Guard
G.R.	Written Warning	Transportation
G.A.	Performance Evaluation	Transportation
H.R.	Letter of Reprimand	Corrections
H.K	Transfer	Human Services
I.C.	Suspension	Public Safety
C.K	Employment Conditions	Corrections
M.L.	Performance	Natural Resources
S.G.	Employment Conditions	National Guard
S.P.	Employment Conditions	Public Safety
T.G.	Written Warning	National Guard

STEP 2

Agency/Division Director Cases: 14

Employees: 14

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
B.G.	Written Warning	Human Services
B. K.	Suspension	Human Services
C.R.	Written Warning	Human Services
D.R.	Written Reprimand	Human Services
H.G.	Verbal Warning	Human Services
J.K.	Policy	Corrections

J.J.	Letter of Reprimand	Public Safety
J.G.	Performance	Corrections
K.D.	Suspension	Corrections
K.K.	Written Warning	Human Services
M.C.	Suspension	URS
R.C.	Written Reprimand	Enviromental Quality
W.J.	Position	Corrections
W.J.	Work Conditions	Human Services

STEP 3

Department Head Cases: 15

Employees: 15

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
A.G.	Performance	Workforce Services
B.C.	Dismissal	Human Services
C.G.	Written Warning	Workforce Services
C.J.	Letter of Reprimand	Corrections
F.S.	Work Conditions	Community and Culture
G.R.	Promotion	Transportation
G.M.	Work Conditions	Community and Culture
G.S.	Work Conditions	Community and Culture
H.S.	Work Condition	Human Services
J.M.	Suspension	Human Services
L.E.	Letter of Warning	Natural Resources
M.T.	Written Reprimand	Human Services
P.D.	Suspension	National Guard
P.R.	Dismissal	Human Services
S.L.	Suspension	Human Services

MEDIATION/JURISDICTIONAL FORUM

Between Steps 3 and 4 Cases: 20

Employees: 47

<u>Employees</u>	<u>Issues</u>	<u>Department</u>
A.C.	Dismissal	Corrections

B.J.	Dismissal	Human Services
B.M.	Perjured Witnesses	Corrections
H.S.	Dismissal	Human Services
K.J.	Dismissal	Human Services
L.C.	Dismissal	Human Services
M.J.	Dismissal	Workforce Services
P.T.	Dismissal	Public Safety
R.L.	Dismissal	Transportation
*B.M.	Contract	Corrections
C.B.	Posititon	Workforce Services
F.V.	Written Warning	Human Services
F.V	Reassignment	Human Services
K.D.	Written Warning	Human Services
K.D.	Reassignment	Human Services
S.R.	Written Warning	Human Services
S.R.	Reassignment	Human Services
T.J.	Dismissal	Human Services
F.D.	Letter of Reprimand	Health
P.R.	Written Reprimand	Corrections

*31 Employees were included in this grievance

STEP 4

Evidentiary Hearing Cases: 1

Employees: 1

<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Kevin Davis	Suspension	Human Services		

Note: In addition to this case resolved at Step 4 during Fiscal Year 2010-2011, the CSRO held an additional Step 4 hearing in the following case. This case was heard at Step 4, but not resolved during the Fiscal Year 2010-2011, because the final decision was issued after June 30, 2011.

<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Mandy Hendricks	Dismissal	Human Services	08/09/2011	Closed

**JURISDICTIONAL HEARINGS AND
ADMINISTRATIVE REVIEWS OF THE FILE
CONDUCTED DURING FISCAL YEAR 2010-2011
NEW RULE**

JURISDICTIONAL HEARINGS:

A jurisdictional hearing is a formal adjudication conducted according to the Utah Administrative Procedures Act. These hearings are held at the request of employees, agency management, or at the initiative of the CSRB administrator. Jurisdictional hearings address the four issues of: timeliness, direct harm, standing and eligibility to advance issues and remedies to the evidentiary/step 5 level, according to *Utah Code*, §67-19a-403(2)(b)(I).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT
Dori Wintle-Butts	Transfer	Technology Services
Derrek Child	Demotion	Workforce Services

Administrative Reviews of the File (*New Rule*):

An administrative review of the file is an informal adjudication under the Utah Administrative Procedures Act. The contents of the CSRB's case files are reviewed and a written legal decision is issued. The decision is based upon a consideration of all documents contained in the CSRB's file. These reviews are conducted according to *Utah Code*, §67-19a-403(2)(b)(ii).

EMPLOYEE/DATE ISSUED	ISSUE	DEPARTMENT/CASE NUMBER
Becky Coates	Position	J.H. 191
Robert Powell	Letter of Reprimand	J.H. 192
Diane Franke	Letter of Reprimand	J.H. 193
Vae Fiefia, Dave Kuresa Rich Scheaffer	Written Warning / Reassignment	J.H. 194
Mark Bawden <i>et. al.</i>	Contract	J.H. 195

**JUDICIAL REVIEW BY THE COURTS
CASES DECIDED DURING FISCAL YEAR 2010-2011
NEW RULES**

DESIGNATION IN THE COURT OF APPEALS:

None.

DESIGNATION IN THE THIRD DISTRICT COURT:

None.

JUDICIAL REVIEW BY THE COURTS
CASES PENDING DURING FISCAL YEAR 2010-2011
NEW RULES

1. *Dori Wintle-Butts v. Department of Technology*

Synopsis:

Jurisdiction denied. Department's action constituted a reassignment not a demotion. At the end of FY 2010-2011 this matter was still before the Utah Court of Appeals for decision.

STATISTICAL SUMMARY OF ACTIVITIES
FOR FISCAL YEAR 2010-2011

GENERAL:

Grievance cases resolved in the CSRO forum:	76
Career service employees participating in the grievance process:	104
Evidentiary hearings conducted:	11
Evidentiary hearings decisions issued:	6
Appellate/step 6 hearings conducted:	4
Appellate/step6 decisions issued:	3
Jurisdictional hearings conducted/decisions issued:	2
Administrative reviews of the file conducted/issued:	5
Cases resolved, mediated or otherwise settled following an appeal to Step 5 & 4:	25

CSRB ADMINISTRATOR:

Prehearing status conference summaries/orders issued:	24
Other orders issued:	7
Conciliation conferences held:	5

THE COURTS:

CSRB decisions issued by the Utah Court of Appeals:	1
CSRB cases currently pending before the Utah Court of Appeals:	2
CSRB decisions issued by Utah District Courts.	1
CSRB cases currently pending before the Utah District Courts.	1

**ANNUAL GRIEVANCE CASES COMPARED
FOR TEN YEAR PERIOD
FISCAL YEARS 2001-2002 THROUGH 2010-2011**

FISCAL YEAR	TOTAL GRIEVANCES	JURISDICTIONAL DECISIONS	STEP 5&4 HEARINGS	STEP 6 HEARINGS
01-02	78	5	2	1
02-03	91	9	15	6
03-04	129	12	9	7
04-05	122	15	7	7
05-06	83	6	10	2
06-07	70	9	5	6
07-08	66	14	11	3
08-09	57	6	4	4
09-10	80	8	6	3
10-11	76	5	11	4

